

ADDENDUM TO THE FINAL STATEMENT OF REASONS SB 1453 RESIDENTIAL AFTERCARE PROGRAM

OAL File Number 2011-0127-03 S, which includes the Initial Statement of Reasons and the Final Statement of Reasons (FSOR), is incorporated by reference.

Non-Substantive Revisions to the Regulation Text.

After completion of the Final Statement of Reasons, it was determined by the Department that several non-substantive changes were needed in order to clarify some of the provisions of the proposed text. The changes made were for clarity only and do not change the meaning or effect of the proposed regulation. Additionally, minor punctuation and capitalization errors were corrected in the text. These revisions include the following:

3800.1. Treatment Incentive Program Eligibility Criteria.

In the final text, original Subsections 3800.1(a)(2), (a)(2)(A), (2)(B), (2)(C) and (a)(3) have been relocated to Section 3800.2 and renumbered 3800.2(a)(4), (a)(4)(A), (4)(B), (4)(C) and (a)(5) respectively and are unchanged. This was necessary for more appropriate placement and meaning within the regulations. With the relocation, original Subsection 3800.1(a)(4) is renumbered (a)(2) and is unchanged. New Subsection 3800.1(a)(3) is added for clarity in order to reference the relocated exclusionary criteria in Section 3800.2.

Section 3800.2. Treatment Incentive Program Exclusionary Criteria.

Subsection 3800.2(a)(1). The phrase “in parole violator/return to custody status” was replaced with “a parole violator who has been returned to custody” for clarity.

In (a)(2), the text “with a controlling or non-controlling case for”, has been deleted as it was determined to be unnecessary and unclear.

Modification to Statements of Reason in Final Statement of Reasons

The following statements supersede corresponding statements in the Final Statement of Reasons regarding Subsection 3800.1(a) and Subsection 3800.2 (a):

Subsection 3800.1(a) establishes program eligibility criteria. This is necessary to make specific the criteria CDCR will use to screen inmates for entrance into the Treatment Incentive Program (TIP). The subsection establishes that participation in the program is voluntary and requires inmates to have completed an in-prison Substance Abuse Program (SAP), in accordance with PC 3050.

Subsection 3800.2 (a) establishes criteria that will exclude inmates from participation in the TIP.

Inmates are prohibited from program participation if they are currently a parole violator who has been returned to custody. This provision is necessary because a parole

violator has already incurred an interruption of his/her term of parole and is therefore not eligible to discharge after 150 days.

Inmates convicted of specified domestic violence-related offenses after January 1, 1997 are ineligible for the program. This is necessary because these inmates are required to complete a 52-week batterer's program per PC Section 3053.2, and therefore could not be discharged from parole after 150 days. Inmates convicted prior to January 1, 1997 are also required to participate in a batterer's program, however there is no specified minimum time period which they must complete, therefore they would remain eligible for participation in the program.

Inmates who are serving a Civil Addict commitment are ineligible. This provision is necessary because a Civil Addict sentence is an indeterminate sentence. Inmates who are serving or have served indeterminate sentences are ineligible per PC 3050.

In addition, new text specifies that in order to participate in the program the inmate must not be eligible to participate in non-revocable parole status. Currently, Subsection 3505(b) specifies that the Department is not required to provide services or programs for parolees on non-revocable parole.

Inmates convicted of specified violent or serious felonies or sex offenses are ineligible per PC Section 3050. This subsection provides applicable Penal Code references where terms such as violent and serious felony, sex offenders and non-revocable parole are clearly defined.

The CDC Form 128-B (Rev. 04/74), General Chrono, is referenced as a form used. The CDC Form 128-B is already established in Title 15, Division 3 regulations. Therefore, no copy has been made available for public review.